

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	Criminal No. _____
	:	
v.	:	Date Filed: _____
	:	
DELACEY DAVIS	:	Violations:
	:	
	:	18 U.S.C. § 1951(a) (attempted
	:	interference with commerce by robbery -
	:	2 counts)
	:	18 U.S.C. § 924(c)(1) (possession of a
	:	firearm in furtherance of a crime of
	:	violence - 2 counts)
	:	18 U.S.C. § 922(g)(1) (possession of a
	:	firearm and ammunition by a convicted
	:	felon - 1 count)
	:	
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

AT ALL TIMES MATERIAL TO THIS INDICTMENT:

1. The Subway store, located at 106 W. Orange Street, Lancaster, Pennsylvania, in Lancaster County, Pennsylvania, was a business engaged in and affecting interstate commerce, providing the sale of fast food and packaged goods in interstate commerce, and was an enterprise which affected interstate commerce.

2. On or about October 4, 2003, in Lancaster, in the Eastern District of Pennsylvania, defendant

DELACEY DAVIS

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendant attempted to unlawfully take and obtain property, specifically, cash, from the person and in the presence of an employee of the Subway store, and against her will by means of actual and threatened force, violence, and fear of injury, immediate and future to her person and property, and property in her custody and possession belonging to the Subway store, that is, by brandishing a Stevens Model M-34 .22 caliber sawed-off rifle, demanding cash, and otherwise threatening the employee of the Subway store.

In violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

_____ On or about October 4, 2003, in Lancaster, in the Eastern District of Pennsylvania,
defendant

DELACEY DAVIS

knowingly carried a firearm, that is, a Stevens Model M-34 .22 caliber sawed-off rifle, during
and in relation to a crime of violence for which he may be prosecuted in a court of the United
States, that is, attempting to interfere with commerce by robbery, in violation of Title 18, United
States Code, Section 1951, as charged in this indictment.

_____ In violation of Title 18, United States Code, Section 924(c)(1).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Luciano's Corner Store, located at 259 W. King Street, Lancaster, Pennsylvania, was a business engaged in and affecting interstate commerce, providing the sale of packaged goods in interstate commerce, and was an enterprise which affected interstate commerce.

2. On or about October 4, 2003, in Lancaster, in the Eastern District of Pennsylvania, defendant

DELACEY DAVIS

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that defendant attempted to unlawfully take and obtain property, specifically, cash, from the person and presence of the owner of Luciano's Corner Store, and against his will by means of actual and threatened force, violence, and fear of injury, immediate and future to his person and property, and property in his custody and possession belonging to Luciano's Corner Store, that is, by brandishing a Stevens Model M-34 .22 caliber sawed-off rifle, demanding cash, and threatening the owner of Luciano's Corner Store, and stabbing with a knife the owner of Luciano's Corner Store.

In violation of Title 18, United States Code, Section 1951(a).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

_____ On or about October 4, 2003, in Lancaster, in the Eastern District of Pennsylvania,
defendant

DELACEY DAVIS

knowingly carried a firearm, that is, a Stevens Model M-34 .22 caliber sawed-off rifle, during
and in relation to a crime of violence for which he may be prosecuted in a court of the United
States, that is, attempting to interfere with commerce by robbery, in violation of Title 18, United
States Code, Section 1951, as charged in this indictment.

_____ In violation of Title 18, United States Code, Section 924(c)(1)._____

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

_____ On or about October 4, 2003, in Lancaster, in the Eastern District of Pennsylvania,
defendant

DELACEY DAVIS,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce a firearm, that is, a Stevens Model M-34 .22 caliber sawed-off rifle (serial number obliterated), and a clip containing .22 caliber ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

As a result of the violations of Title 18, United States Code, Sections 922(g)(1) and 924(c), as set forth in this indictment, defendant

DELACEY DAVIS

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), the firearm and ammunition involved in the commission of these offenses, including, but not limited to:

- (1) a Stevens Model M-34 .22 caliber sawed-off rifle (serial number obliterated), and a clip containing .22 caliber ammunition.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

_____ **A TRUE BILL:**

_____ **GRAND JURY FOREPERSON**

PATRICK L. MEEHAN
UNITED STATES ATTORNEY_____